

HOUSE BILL 1349

By Weaver

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, Part 30, relative to truancy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3006(b), is amended by adding the language “including, but not limited to, progressive truancy interventions,” after the language “compulsory attendance laws of the state”.

SECTION 2. Tennessee Code Annotated, Section 49-6-3007, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e)

(1) On or before the beginning of each school year, the principal or a teacher at every public, private, or parochial school shall notify a student's parent, in writing, that:

(A) If the student is absent from school for an aggregate of five (5) days during the school year without adequate excuse, then the student is subject to referral to juvenile court; and

(B) It is a parental duty to monitor the student's school attendance and require the student to attend school.

(2) It is the duty of the principal or a teacher at every public, private, or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. “Five (5) days” means an aggregate of five (5) days during the school

year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(3) Upon the requisite number of absences, the director of schools shall serve, or cause to be served, upon the parent, guardian, or other person in parental relation to the child unlawfully absent from school, written notice that attendance of the children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(4) If it appears that within three (3) days after receipt of the notice, any child, parent, guardian, or other person in parental relation has failed to comply with this part, then the director of schools shall request a conference between school officials and the parent to discuss the absences and to trigger the first tier of the progressive truancy interventions.

SECTION 3. Tennessee Code Annotated, Section 49-6-3007(i)(1)(B), is amended by deleting the language “two (2)” wherever it appears in the subdivision and substituting instead the language “five (5)”.

SECTION 4. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (c) in its entirety; by adding the following new subsections; and by renumbering the remaining subsections accordingly:

(c) As an alternative to criminal prosecution for education neglect, a school district shall adopt progressive truancy interventions for students who violate compulsory attendance requirements. These interventions shall be designed to:

- (1) Address student conduct related to truancy in the school setting; and
- (2) Minimize the need for referral to juvenile court.

(d) Progressive truancy interventions adopted by a school district pursuant to subsection (c) shall be applied prior to referral to juvenile court for the conduct described in § 49-6-3007 and shall meet the following requirements:

- (1) The first tier of progressive truancy interventions shall be triggered by at least three (3) unexcused absences within a school year;

(2) The first tier of progressive truancy interventions shall include, at a minimum:

(A) A conference with the student and the student's parent or guardian;

(B) A resulting attendance contract to be signed by the student, the student's parent or guardian, and an attendance officer, which shall include:

(i) A specific description of the school's attendance expectations for the child;

(ii) The period for which the contract is effective, not to exceed forty-five (45) school days, or the last day of the semester after the date the contract becomes effective, whichever comes first; and

(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and

(C) Regularly scheduled follow-up meetings to discuss the student's progress;

(3) The progressive truancy interventions shall include, in addition to the first tier, at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract;

(4) At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other

in-school or out-of-school services aimed at addressing the student's attendance problems;

(5) Additional interventions may consist of one (1) or more of the following:

- (A) School-based community services;
- (B) Participation in a school-based restorative justice program;
- (C) Referral to a school-based teen court; or
- (D) Saturday courses designed to improve attendance and behavior;

(6) In-school suspension or out-of-school suspension shall not be used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school; and

(7) A referral made under subdivisions (d)(1)--(5) may include participation by the child's parent or guardian if necessary.

(e) Each referral to juvenile court for conduct described in § 49-6-3007(f) and (i)(4)(D) must be accompanied by a statement from the student's school certifying that:

(1) The school applied the progressive truancy interventions adopted under subsection (d) to the student; and

(2) The progressive truancy interventions failed to meaningfully address the student's school attendance.

(f) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with subsection (e).

(g) Each intervention program shall report school attendance of program participants to the director of schools in the year following the intervention.

SECTION 5. This act shall take effect July 1, 2015, the public welfare requiring it.